

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

The Examiner's withdrawal of the Election Requirement is hereby acknowledged and is sincerely appreciated.

Claims 51-90 and 92-95 have been rejected under 35 U.S.C. § 101 as claiming the same invention as that of Claims 1-11 and 13-45 of U.S. Patent 6,716,201; and Claims 1-50, 91 and 96-183 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-43 of U.S. Patent 6,497,687, Claims 1-45 of U.S. Patent 6,716,201, and Claims 1-8 of U.S. Patent No. 6,719,746. New Claims 186-211 have been added while former Claims 51-90 and 92-95 have been canceled, without prejudice and thus, Claims 1-50, 91 and 96-211 remain active.

The discussed granted by Examiner Han on August 16, 2005 is hereby acknowledged and is sincerely appreciated. During such discussion, the Examiner confirmed that Claims 1-50, 91 and 96-183 would be allowable upon the submission of a Terminal Disclaimer but that Claims 51-90 and 92-95 need to be canceled to help place the application in condition for allowance. In view of this, a Terminal Disclaimer is submitted herewith with respect to U.S. Patent 6,497,687, U.S. Patent 6,716,201 and U.S. Patent 6,719,746.

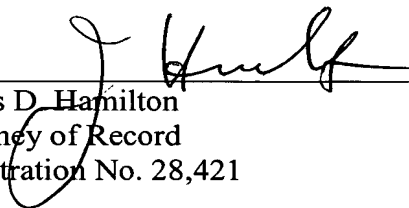
New Claims 186-211 have been added on the basis of the feature of the relockable locking button of the present invention as explained at page 5, lines 20-31 of the application and to indicate that insofar as the trocar is substantially needle-shaped and can be downsized to the shape of a needle while still being effectively utilized, the invention comprises a penetrator which may consist of either a trocar or surgical needle or any other surgical device used for the type of surgery envisioned being utilized in accordance with the present invention. For this reason, new Claims 186-211 have been added to more fully protect

Applicants' claimed invention. Accordingly, favorable consideration of these claims is believed to be in order and the same is hereby respectfully requested.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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